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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Part 5 of the Commission's)	ET Docket No. 96-256
Rules to Revise the Experimental Radio)	
Service Regulations)	

REPLY COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AT&T"), by its attorneys, hereby submits its reply comments with respect to the Notice of Proposed Rulemaking in the above-captioned proceeding.^{1/} Most of the comments submitted in this proceeding, including those of AT&T, generally support the Commission's efforts to update and streamline the Experimental Radio Service ("ERS") licensing process. In addition, a few commenters urge caution in the area that AT&T believes is most in need of reform: preventing abuse of experimental authorizations.^{2/} As AT&T discussed in its comments, the Commission should adopt potent safeguards to prevent abuse.^{3/}

The Commission proposed the adoption of safeguards out of a concern that some "companies attempt[] to establish commercial businesses under the guise of experimental

^{1/} In the Matter of Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations, Notice of Proposed Rulemaking, ET Docket No. 96-256, FCC 96-475 (rel. Dec. 20, 1996) ("Notice").

^{2/} See Comments of Motorola, Inc. at 2, 7 (limits on market studies); Comments of Motorola Satellite Communications, Inc. at 9 (extensions of STAs); Comments of ProNet Inc. at 4-5 (limits on market studies) ("ProNet Comments").

^{3/} Comments of AT&T Wireless Services, Inc. at 2-4.

licenses."^{4/} Notably, the comments of ProNet Inc. ("ProNet") reveal that it is engaged in precisely the sort of abuse of its experimental authorization that the Commission and AT&T seek to prevent. As described in ProNet's comments, ProNet's wholly owned subsidiary, Electronic Tracking Systems, Inc. ("ETSI")

operates nearly 30,000 electronic tracking system ("ETS") transmitters pursuant to a nationwide experimental license granted and renewed by the Commission. This ETS network delivers service in more than one hundred cities to over 90 police departments (and sheriff offices) and the Federal Bureau of Investigation^{5/}

The establishment and continuance of such a vast offering under an experimental authorization would be suspect under any circumstances. In this case, however, the Commission has authorized a new Low Power Radio Service ("LPRS") over which ETSI may provide its services,^{6/} but ETSI still intends to offer its services over its experimental frequencies "for the foreseeable future -- i.e., until such time as a substantial increase in market demand or technological innovation compels retrofitting existing equipment, at which time LPRS frequencies can be introduced into existing systems."^{7/}

ProNet claims that it must continue to conduct its commercial operations pursuant to its experimental license because "LPRS spectrum is an option only for new ETS systems."^{8/}

^{4/} Notice at ¶ 17.

^{5/} ProNet Comments at 2 (footnotes omitted).

^{6/} See Amendment of the Commission's Rules Concerning Low Power Radio and Automated Maritime Telecommunications System Operations in the 216-217 MHz Band, Report and Order, WT Docket No. 95-56, FCC 96-315, ¶ 17 (rel. Aug. 2, 1996).

^{7/} ProNet Comments at 2-3.

^{8/} Id. at 3.

As is clear from ProNet's Comments, however, the only impediment to providing ETS service over the newly authorized frequencies is the cost to upgrade ETSI's "embedded ETS infrastructure."^{9/}

Such claims demonstrate a fundamental misunderstanding of the nature of experimental authorizations and illustrate the need for additional safeguards against abuse. ERS is not intended to support regular, ongoing commercial operations even after the technological development and any necessary market study are complete.^{10/} Rather, ERS is merely intended "to provide for experimental uses of radio frequencies and for development of techniques and systems that are not otherwise permitted under existing service rules."^{11/} The cost of switching operations to alternative frequencies or purchasing new equipment provides no basis for allowing the continued offering of commercial services once the experimental phase has ended. Rather than make the case that the Commission should decline to adopt or limit its proposed safeguards against abuse, ProNet's comments aptly illustrate the need for heightened protection.

^{9/} Id.

^{10/} Notice at ¶ 17.

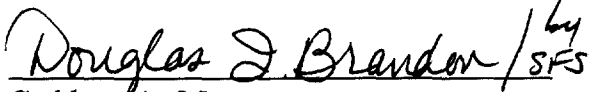
^{11/} Id. at ¶ 3. The lack of any expectation that the licensee may treat its experimental authorization as a regular license is also illustrated by the Commission's power to revoke ERS licenses without notice. See id.

CONCLUSION

For the foregoing reasons, the Commission should revise its experimental licensing rules as proposed, but should adopt the safeguards suggested in AT&T's comments to prevent abuse of the experimental licensing process.

Respectfully submitted,

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February 28, 1997

CERTIFICATE OF SERVICE

I, Tanya Butler, do hereby certify that on this 28th day of February, 1997, I caused a copy of the foregoing "Reply Comments of AT&T Wireless Services, Inc." to be delivered by messenger (*) or first class mail to the following:



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